

A bill to be entitled

An act relating to Palm Beach County; creating the "Village of Wellington Charter"; providing legislative intent; establishing the Village of Wellington; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice-mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of councilmembers; prohibiting certain interference with village employees which shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter officers, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referendum; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for continuation of the Palm Beach County Fire Rescue Municipal Service Taxing Unit; providing for continuation of the Palm Beach County Library Taxing District; providing for dissolution of the Palm Beach County Municipal Service Taxing Unit B, dissolution of the Palm Beach County Municipal Service Taxing Unit C and dissolution of Palm Beach County Municipal Service Taxing Unit F; providing for law enforcement; providing for continuation and transfer of Acme Improvement District and for transfer of its assets and liabilities; providing that all special acts of Acme Improvement District shall become ordinances of the village; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for referendum approval; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Short title.

This act, together with any future amendments thereto, shall be known and may be cited as the "Village of Wellington Charter," hereinafter referred to as "the charter."

Section 2. Legislative intent.

The Legislature hereby finds and declares that:

A. The Wellington area in Palm Beach County includes a compact and contiguous community of approximately 28,000 residents susceptible to urban services, and constitutes a community amenable to separate municipal government.

B. It is in the best interests of the public health, safety, and welfare of the residents of the Wellington area to form a separate municipality for the Wellington area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.

C. It is intended that this charter and the incorporation of the Wellington area will serve to preserve and protect the distinctive characteristics of the individual communities within the boundaries of the Village of Wellington.

D. It is the intent of this charter and the incorporation of the Wellington area that land development costs for infrastructure improvements associated with new land development shall be paid for by the developer of said land or the ultimate owners or users of said land.

Section 3. Incorporation of municipality; corporate limits.

There is hereby created, effective December 31, 1995, in Palm Beach County, a new municipality to be known as the Village of Wellington, which shall have a council-manager form of government. The corporate boundaries of the Village of Wellington, hereinafter referred to as "village," shall be as described in section 11.

Section 4. Municipal powers.

The village shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this charter, unless otherwise prohibited by or contrary to the provisions of this charter. The village shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal services unless expressly prohibited by law. The powers of the village shall be liberally construed in favor of the village.

Section 5. Village council.

A. *Village council; composition; qualifications of councilmembers.*

1. There shall be a five-member village council, consisting of a mayor and four councilmembers each elected from and representing the village at large.

2. There shall be five separate seats to be designated as mayor seat 1, seat 2, seat 3, and seat 4. Candidates must qualify for mayor and council elections by seat, and the councilmembers elected to those seats shall hold the seat of mayor and seats 1 through 4, respectively.

3. To qualify for office:

a. Each candidate for the office of village council shall be a registered voter in the State of Florida and a resident of the village.

b. At the time of qualification, each candidate for mayor or a council seat shall reside within the boundaries of the village and, if elected, shall maintain such residency throughout his or her term of office. Candidates for office shall qualify as provided in section 8.C.

B. *Term of office.* The term of office for mayor and councilmembers shall be four years. The mayor and each councilmember shall remain in office until a successor is elected and assumes the duties of the position, except as otherwise provided herein. No mayor or councilmember shall serve more than two consecutive terms of office. The office of mayor

and the office of council member shall be considered separate offices for purposes of this section.

1. In determining whether a mayor or a councilmember has served two consecutive terms, no time in office resulting from having been appointed to office to fill a vacancy or time in office resulting from having been elected to a partial term, as a result of a special election, to fill a vacancy shall be counted towards the two consecutive terms.

C. *The mayor; powers and duties.*

1. One member of the council shall be the mayor, who shall be elected to the office in the manner provided in section 5.A of this charter, except as provided in this article for the filling of a vacancy in the office of mayor. The mayor shall have the same legislative powers and duties as any other councilmember, except as provided in section 5.C.2.

2. In addition to carrying out the regular duties under section 5.C.1., the mayor shall preside at the meetings of the council and shall be recognized as the head of village government for service of process, ceremonial matters, and the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the village council, consistent with general or special law.

D. *The vice-mayor.*

1. The village council, at its first regular meeting after the fourth Tuesday of each March, shall elect from its membership a vice-mayor who shall serve at the pleasure of the village council and who shall have the same legislative powers and duties as the mayor or any other councilmember.

2. The vice-mayor shall serve as acting mayor during the absence or disability of the mayor. In the absence of the mayor and the vice-mayor, the remaining councilmembers shall select a councilmember to serve as acting mayor.

E. *Compensation and expenses.* Village councilmembers shall initially be compensated at the rate of \$300 per month, and shall be entitled to receive reimbursement in accordance with Florida Statutes for authorized travel and per-diem expenses incurred in the performance of their official duties. The village council, by not less than four affirmative votes, may elect to provide for an increase in compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until the date of commencement of the terms of councilmembers elected at the next regular election which follows the adoption of said ordinance.

F. *General powers and duties of council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the village shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the village by law.

G. *Vacancies; forfeiture of office; suspension; filling of vacancies.*

1. *Vacancies.* A vacancy in the office of mayor or any councilmember shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, appointment to other public office which creates dual office holding, judicially determined incompetency, or forfeiture of office as described in section 5.G.2.

2. *Forfeiture of office.* The mayor or any councilmember shall forfeit his or her office upon determination by the council, acting as a body, at a duly noticed public meeting that he or she:

a. Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this charter or otherwise required by law;

b. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication is withheld;

c. Is convicted of a first-degree misdemeanor arising directly out of his or her official conduct or duties, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;

d. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or

e. Is absent from three consecutive regular council meetings without justifiable reason, or for any other reason established in this charter.

3. *Suspension from office.* The mayor or any councilmember shall be suspended from office upon return of an indictment or issuance of any information charging the mayor or any councilmember with any crime which is punishable as a felony or with any crime arising out of his or her official duties which is punishable as a first degree misdemeanor. Pursuant thereto:

a. During the period of suspension, the mayor or any councilmember shall not perform any official act, duty, or function, or receive any pay, allowance, emolument, or privilege of office.

b. If the mayor or any councilmember is subsequently found not guilty of the charge, or if the charge is otherwise dismissed, reduced, or altered in such a manner that suspension would no longer be required as provided herein, the suspension shall be lifted and the mayor or any councilmember shall be entitled to receive full back pay and such other emoluments or allowances as he or she would have been entitled to had the suspension not occurred.

4. *Filling of vacancies.*

a. If a vacancy occurs in the office of mayor, and less than 180 days remain in the term of the mayor, then the vice-mayor shall serve as mayor until a new mayor is elected and assumes the duties of his or her office. If a vacancy occurs in the office of mayor and 180 days or more remain in the term of the mayor, then the vice-mayor shall serve as mayor until a new mayor is elected at a special election as provided herein. The special election

shall be called within not less than 90 days or more than 180 days to fill such vacancy.

b. If any vacancy occurs in the office of any councilmember and the remainder of the unexpired term is less than 2 years and 81 days, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years and 81 days, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled village election.

c. Any person appointed to fill a vacant seat on the council shall be required to meet the qualifications of the seat to which he or she is appointed.

H. *Village council meetings.* The council shall conduct regular meetings at such times and places as the council shall prescribe by resolution. Such meetings shall be public meetings within the meaning of F.S. § 286.011 and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

1. Special meetings may be held at the call of the mayor, or in his or her absence, at the call of the vice-mayor. Special meetings may also be called upon the request of a majority of the councilmembers. Unless of an emergency nature, the person or persons calling such a meeting shall provide not less than 72 hours' prior notice of the meeting to the public.

2. The elected or re-elected mayor and councilmembers shall be inducted into office at the first regularly scheduled meeting following certification of their election.

3. A majority of the council shall constitute a quorum. No action of the council shall be valid unless adopted by an affirmative vote of the majority of the councilmembers in attendance, unless otherwise provided by law. All actions of the village council shall be by ordinance, resolution, or motion.

I. *Village records.* The council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the council, and the same shall at all times be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by the mayor, or vice-mayor in the absence or disability of the mayor, or by the acting mayor in the absence or disability of both the mayor and the vice-mayor, and attested to by the village clerk.

J. *Adoption of codes.* The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and may amend the code in the adopting ordinance or later amendatory ordinance. The procedures and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that:

1. Requirements regarding distribution and filing of copies of the ordinance shall not be construed to require distribution and filing of copies of the adopted code of technical regulations, except as provided in Section 5.J.2.

2. A copy of each adopted code of technical regulations, as well as of the adopting ordinance, shall be authenticated and recorded by the village clerk.

K. *Limitation of employment of councilmembers.* Neither the mayor nor any councilmember shall be in the employment of the village while in office, nor shall any former mayor or councilmember be employed by the village until after the expiration of one year from the time of leaving office.

L. *Noninterference by village council.* Except for the purposes of inquiry and information, the mayor and councilmembers are expressly prohibited from interfering with the performance of the duties of any employee of the village government who is under the direct or indirect supervision of the village manager or village attorney. Such action shall be malfeasance within the meaning of Sections 112.317 and 112.51, Florida Statutes.

M. *Transitional.* The Mayor shall be elected for an initial three-year term beginning with a special municipal election in March, 2003. Thereafter, the mayor will be elected for two-year terms as provided in section 5.B Village Council seat 4 shall be redesignated as the seat of the mayor for purposes of qualifying candidates for the office of mayor for the election of 2003. On November 5, 2002, a vacancy will exist in the office of council seat 4. The remaining councilmembers shall, within 30 days following the occurrence of the vacancy, by majority vote, appoint a person to fill the vacancy until the special election of March, 2003. After the election of March 2003, village council seat 5 shall be redesignated as village council seat 4.

Any Councilmember who desires to run for the office of mayor [in the March 2003 election] shall present an irrevocable resignation from the office of councilmember no later than the time prescribed in Section 99.012, Florida Statutes, said resignation to be effective as of the date of the special election of March 2003. Such a resignation will create a vacancy in as of the date of the special election in March 2003. The Council shall, within 30 days following the occurrence of the vacancy, by affirmative vote of no less than three members, appoint a person to fill the vacancy until the regular election of March 2004.

Section 6. Budget and appropriations.

A. *Fiscal year.* The village shall have a fiscal year which shall begin on October 1 of each year and end on September 30 of the succeeding year.

B. *Budget adoption.* The council shall by resolution adopt a budget on or before the 30th day of September of each year, following a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

C. *Appropriation amendments during the fiscal year.*

1. *Supplemental appropriations.* If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year in an amount not to exceed such excess.

2. *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the village manager that the revenues available will be insufficient to meet the amount appropriated, the village manager shall report same to the council

without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.

3. *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Section 7. Charter officers.

A. *Designation.* The village manager and the village attorney are designated as charter officers, except that the office of village attorney may be contracted to an attorney or law firm.

B. *Appointment; removal; compensation; filling of vacancies.*

1. The charter officers shall be appointed by a majority vote of the full council and shall serve at the pleasure of the council.

2. The charter officers shall be removed from office only by a majority vote of the full council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.

3. The compensation of the charter officers shall be fixed by the village council.

4. The village council shall begin the process to fill a vacancy in a charter office within 90 days of the vacancy. An acting village manager or an acting village attorney may be appointed by the council during a vacancy in such charter office.

5. The charter officers shall not be a candidate for village council while holding their charter officer position.

C. *Village manager.* The village manager shall be the chief administrative officer of the village.

1. *Qualifications.* The village manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.

2. *Powers and duties.* The village manager shall:

a. As the chief administrative officer of the village, direct and supervise the administration of all departments, offices, and agencies of the village, except the offices of village attorney, and except as otherwise provided by this charter or by law.

b. Appoint, suspend, or remove any employee of the village or appointive administrative officer provided for, by, or under this charter, except

the office of village attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The village manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

c. Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed.

d. Prepare and submit the annual budget, and capital program to the council in the form prescribed by ordinance.

e. Attend meetings of the village council.

f. Draw and sign vouchers upon depositories as provided by ordinance, and keep, or cause to be kept, a true and accurate account of same.

g. Sign all licenses issued by the village, and issue receipts for all moneys paid to the village, and deposit said moneys in the proper depositories on the first banking day after receipt. The village manager may delegate the responsibilities of this subparagraph to an appropriate village employee who shall be bonded.

h. Provide administrative services in support of the official duties of the mayor and the council.

i. Keep the council advised as to the financial condition and future needs of the village and make recommendations to the council concerning the affairs of the village.

j. Submit to the council, and make available to the public, a complete report on finances and administrative activities of the village as of the end of each fiscal year.

k. Sign contracts on behalf of the village to the extent authorized by ordinance.

l. Perform such other duties as are specified in this charter or as may be required by the council.

D. *Village attorney.* The village attorney shall be the chief legal officer of the village.

1. *Qualifications.* The village attorney shall be a member of The Florida Bar in good standing.

2. *Powers and duties.* The village attorney:

a. Shall serve as chief legal advisor to the village council, the charter officers, and all village departments, offices and agencies.

b. May hire such assistants as may be required, when approved by the village council.

c. Shall attend village council meetings unless excused by the village council, and shall perform such professional duties as may be required by law or by the council in furtherance of the law.

d. Shall prepare an annual budget for the operation of the office of the village attorney and shall submit this budget to the village manager for inclusion in the annual village budget, in accordance with uniform village procedures.

Section 8. Elections.

A. *Electors.* Any person who is a resident of the village, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the village.

B. *Nonpartisan elections.* All elections for the village councilmembers shall be conducted on a nonpartisan basis without any designation of political party affiliation.

C. *Qualifying for office.* Any resident of the village who wishes to become a candidate for a village elective office shall qualify with the village clerk no sooner than noon on the last Tuesday in January nor later than noon on the second Tuesday in February of the year in which the election is to be held.

D. *Schedule for general elections.* The regular village election shall be the second Tuesday in March of each election year. Such village elections shall be general village elections. In the event no candidate for an office receives a minimum of thirty-five (35%) percent of the votes cast for said office, then a second election shall be held on the fourth Tuesday in March.

E. *Schedule for other elections.*

1. An election to fill the remainder of an unexpired term shall be held as provided in section 8.D.

2. Special municipal elections shall be held in the same manner as regular elections, except that the village council, by ordinance, shall fix the time for holding of such elections.

F. *Determination of election to office.* If only one candidate qualifies for an office, said candidate shall be deemed to be elected. If two or more candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. In every election to any office the candidate receiving the highest percentage of the vote equal to or in excess of thirty-five (35%) percent of the votes validly cast for that office shall be declared elected. If in any election no candidate receives a minimum of thirty-five (35%) percent of the votes validly cast for that office, then the two candidates for the office receiving the highest vote in the general election shall run again in election, provided that:

1. If more than two candidates for an office receive an equal and highest number of votes, the name of each candidate shall be placed on the second election ballot.

2. In any contest in which there is a tie for second place, the name of the candidate placing first and the name of each candidate tying for second shall be

placed upon the second election ballot. The candidate receiving the highest number of votes cast for the office in the second election shall be elected to such office. If the vote at the second election results in a tie, the outcome shall be determined by lot.

G. *Village canvassing board.* The village canvassing board shall be composed of those members of the village council who are not candidates for reelection and the village clerk, who shall act as chairperson. At the close of the polls of any village election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns then on file in the office of the village clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the village clerk.

H. *Recall of village councilmembers.* Any member of the village council may be removed from office by the electors of the village following the procedures for recall established by general law.

I. *Initiative and referendum.*

1. *Power to initiate and reconsider ordinances.*

a. *Initiative.* The electors of the village shall have the power to propose ordinances to the village council and, if the village council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.

b. *Referendum.*

(1) The village council shall have the power, by resolution, to call for a referendum vote by the electors of the village at any time, provided that the purpose of such referendum is presented to the village at a public hearing at least 60 days prior to the adoption of said resolution. Any resolution calling for a referendum vote of the electors of the village must be passed by the affirmative vote of not less than four members of the council.

(2) The electors of the village shall have the power to require reconsideration by the village council of any adopted ordinance and, if the village council fails to repeal an ordinance so reconsidered, to approve or reject it at a village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.

(3) Notwithstanding anything in section 8.I.1.a.(2) to the contrary, the referendum power shall extend to any ordinance levying ad valorem taxes, provided that the ordinance increases the total village tax rate above 5 mills, and that all petitions with respect to the referendum are filed within 30 days after the date of adoption of the ordinance.

2. *Commencement of proceedings.* Any 10 electors may commence initiative or referendum proceedings by filing with the village clerk an affidavit stating that they shall constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the village clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

3. *Petitions.*

a. Initiative and referendum petitions must be signed by electors of the village equal in number to at least 10 percent of the total number of electors registered to vote in the last regular village election.

b. All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

c. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

d. Except as otherwise provided in section 8.1.1.a.(2), all initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced, and all requirements of the process, including, but not limited to, the submission of the signatures required, must be completed no later than 90 days following the date of filing said initiative or referendum petition.

4. *Procedure for filing.*

a. [Generally.] Within 20 days after an initiative petition or a referendum petition is filed, the village clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specifics in section 8.1.3.c. that are not met. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intent to amend it with the designated official within 2 business days after receiving the copy of the certificate and files a supplementary petition upon additional papers within 10 days after receiving the copy of such certificate. Such supplementary petition shall comply with original petition requirements, and within 5 days after it is filed, the village clerk shall complete a certificate as to the sufficiency of the petition as

amended and promptly send a copy of such certificate to the petitioner's committee by registered mail. If a petition or an amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request the village council review under section 8.1.4.b. within the time required, the village clerk shall promptly present a certificate to the village council and such certificate shall then be a final determination as to the sufficiency of the petition.

b. *The village council review.* If a petition has been certified insufficient and the petitioner's committee does not file notice of intent to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) business days after receiving the copy of such certificate, file a request that it be reviewed by the village council. The village council shall review the certificate at its next meeting following the village council's filing of such request and approve or disapprove it, and determination shall then be final as to the sufficiency of the petition.

5. *Action on petitions.*

a. *Action by the village council.* When an initiative or referendum petition has been determined sufficient, the village council shall promptly consider the proposed initiative ordinance or reconsider the referendum ordinance by voting its repeal. The repeal of an ordinance relating to the levy of ad valorem taxes shall be by ordinance. If the village council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referendum ordinance within 30 days or, in the case of a referendum authorized pursuant to section 8.1.1.b.(3), within 5 days after the date on which the petition is determined to be sufficient, it shall submit the proposed initiative or referendum ordinance to the electors of the village. If the village council fails to act on a proposed initiative ordinance or a referendum ordinance within the time period specified, the village council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referendum ordinance on the last day that the village council was authorized to act on such matter.

b. *Submission to electors.* The vote of the village on a proposed initiative or referendum ordinance shall be held not less than 30 or more than 60 days from the date the village council acted or was deemed to have acted pursuant to section 8.1.5.a. that the petition was determined sufficient. If no regular election is to be held within the period described in this paragraph, the village council shall provide for a special election, except that the village council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed initiative or referendum ordinance shall be made available at the polls.

c. *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the village by filing with the village clerk a request for withdrawal signed by at least eight members of the petitioner's committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

6. *Results of election.*

a. *Initiative.* If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

b. *[Repeal.]* If a majority of the qualified electors voting on a referendum ordinance vote against it, it shall be considered repealed upon certification of the election results.

Section 9. Transition schedule.

A. *Referendum.* The referendum election called for by this act shall be held on November 7, 1995, at which time the following question shall be placed upon the ballot:

"SHALL LAWS OF FLORIDA, CH. 95-[496], CREATING THE VILLAGE OF WELLINGTON AND PROVIDING ITS CHARTER BE APPROVED?"

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the provisions of this charter will take effect as provided in section 14.

B. *Initial election of councilmembers.*

1. *Dates.* Following the adoption of this charter in accordance with section 9.A., the Palm Beach County Commission shall call a special election for the election of the five village councilmembers to be held on March 12, 1996. In the event no candidate for an office receives a majority of the votes cast for said office, then a runoff election shall be held on March 26, 1996.

2. *Qualifying period.* Between noon on January 30, 1996, and noon on February 13, 1996, any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Palm Beach County Supervisor of Elections in accordance with the provisions of this charter and general law.

3. *Certification of election results.* For the initial election, the Palm Beach County Commission shall appoint a canvassing board which shall certify the results of the election.

4. *Induction into office.* Those candidates who are elected on March 12, 1996, and March 26, 1996, shall take office at the initial village council meeting, which shall be held at 7 p.m. on March 28, 1996, at the Wellington High School, Wellington, Florida.

5. *Initial terms of office.* In order to provide for staggering terms of office, the initial term of office for those three council candidates receiving the highest number of votes in the initial election shall be 4 years, and for the remaining elected candidates 2 years.

C. *Creation and establishment of village.* For the purpose of compliance with F.S. § 200.066, relating to assessment and collection of ad valorem taxes, the village is hereby created and established effective December 31, 1995, notwithstanding anything to the

contrary contained herein, the village although created and established as of December 31, 1995, shall not be operational until March 28, 1996.

D. *First year expenses.* The village council, in order to provide moneys for the expenses and support of the village, shall have the power to borrow money necessary for the operation of village government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

E. *Transitional ordinances and resolutions.* The village council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

F. *Transitional comprehensive plan and land development regulations.*

1. Until such time as the village adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Palm Beach County, as the same exists on the day the village commences corporate existence, shall remain in effect as the village's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the Village Council of Wellington which shall be deemed the local planning agency until the council establishes a separate local planning agency. Any amendment to any zoning as established in the current county land use plan, which is adopted by the village, shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council. Any increase in the residential density or intensity, as established in the current county land use plan which is adopted by the village shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council. This charter shall not affect any of the rights and obligations, between and among any persons, which have been and are established by or result from any existing planned unit developments in the area which are established by this charter. Notwithstanding any other provision within general law or this charter, if, before the village adopts its comprehensive plan and land development regulations, an application for development approval is filed for a development of regional impact on a parcel of land located within the corporate boundaries of the village, as described in Section 11 herein, the comprehensive plan and land development regulations of Palm Beach County shall govern all development approvals for the development of regional impact until 48 months subsequent to the date the village commences corporate existence and during that 48-month period all local government orders and development permits associated with the development of regional impact shall be administered and issued by Palm Beach County.

2. With the exception of the Development of Regional Impact exemption provided in subparagraph F.1. [of this section], all powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Palm Beach County, as set forth in these transitional zoning and land use regulations, shall be vested in the Village Council of Wellington until such time as the village council delegates all or a portion thereof to another entity.

3. With the exception of the Development of Regional Impact exemption provided in subparagraph F.1. [of this section], subsequent to the commencement of the village's corporate existence, no amendment of the comprehensive plan or land

development regulations enacted by the Palm Beach County Commission shall be deemed as an amendment of the village's transitional comprehensive plan or land development regulations or otherwise take effect within the village's corporate limits unless approved by the village council.

G. *State shared revenues.* The Village of Wellington shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of F.S. § 218.23(1) shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 1996—1997. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the bureau be unable to provide an appropriate population estimate, the Palm Beach County Planning Division estimate should be utilized.

H. *Gas tax revenues.* Notwithstanding the requirements of F.S. § 336.025 to the contrary, the Village of Wellington shall be entitled to receive local option gas tax revenues beginning October 1, 1996. The amount of said revenues distributed to the Village of Wellington shall be determined pursuant to Ordinance [No.] 86-23 of Palm Beach County.

Section 10. Continuation, merger, and dissolution of existing districts.

A. *Palm Beach County Fire Rescue Municipal Service Taxing Unit; continuation.* Notwithstanding the incorporation of the Village of Wellington, that portion of the Palm Beach County Fire Rescue Municipal Service Taxing Unit, a special taxing district created by the Palm Beach County Commission that lies within the boundaries of the Village of Wellington, is authorized to continue in existence, until the village adopts an ordinance to the contrary. However, the village shall not establish a village fire department without a referendum.

B. *Law enforcement.* Law enforcement services shall continue to be provided by the Palm Beach County Sheriff's Office, or contracted with other law enforcement agencies, until the village adopts an ordinance to the contrary; provided that the village shall not establish a village police department without a referendum.

C. *Palm Beach County Library Taxing District; continuation.* Notwithstanding the incorporation of the Village of Wellington, that portion of the Palm Beach County Library Taxing District, a dependent district of Palm Beach County created by Laws of Fla., ch. 67-1869, as amended, that lies within the boundaries of the Village of Wellington, is authorized but not required to continue in existence.

D. *Palm Beach County Municipal Service Taxing Unit B.* That portion of Palm Beach County Municipal Service Taxing Unit B, a dependent district of Palm Beach County created by the Palm Beach Commission that lies within the boundaries of the Village of Wellington, shall cease to exist within the municipal boundaries of the Village of Wellington on September 30, 1996.

E. *Palm Beach County Municipal Service Taxing Unit C.* That portion of Palm Beach County Municipal Service Taxing Unit C, a dependent district of Palm Beach County created by the Palm Beach County Commission that lies within the boundaries of the Village of Wellington, shall cease to exist within the municipal boundaries of the Village of Wellington on September 30, 1996.

F. *Palm Beach County Municipal Service Taxing Unit F.* That portion of Palm Beach County Municipal Service Taxing Unit F, a dependent district of Palm Beach County created

by the Palm Beach County Commission that lies within the boundaries of the Village of Wellington, shall cease to exist within the municipal boundaries of the Village of Wellington on September 30, 1996.

G. *Acme Improvement District continuation and transfer.* The Acme Improvement District, an independent special district created by a special act of the Legislature, shall become a dependent district of the Village of Wellington on March 28, 1996. All special acts of the Acme Improvement District shall become Ordinances of the Village of Wellington on March 28, 1996.

1. The assets, liabilities, and written contracts of the Acme Improvement District, including all rights, obligations, duties and relationships now existing by law or agreement, shall be unaffected and shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Wellington. All rights, obligations, duties, and relationships now existing by law or agreement shall remain in full force and effect and shall be those of the district as a dependent district of the Village of Wellington. All rights, claims, actions, orders, and all contracts of the special district and all legal or administrative proceedings involving the district shall continue in full force and effect under the jurisdiction of the district as a dependent district of the Village of Wellington.

2. Effective March 28, 1996, at 7 p.m., the terms of office of the Board of Supervisors of the Acme Improvement District shall terminate, and the village councilmembers of the Village of Wellington shall assume the duties and responsibilities of the Board of Supervisors.

3. To the extent not inconsistent with this charter, all resolutions and policies of the Acme Improvement District shall remain in effect until amended, revised, or repealed by the village council.

4. Additional provisions which are necessary to effect this transition and to provide for the operation of the Acme Improvement District as a dependent district of the village shall be adopted by ordinance.

Section 11. Land description.

The corporate boundaries of the village shall be as follows:

DESCRIPTION OF BASIN A, BASIN B, WELLINGTON'S EDGE TRACTS AND BREFRANK TRACT Lands in Township 43 South, Range 41 East, Palm Beach County, Florida, as follows: Those portions of Sections 31, 32, 33, 34 and 35 lying southerly of the SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-51 right-of-way (WEST PALM BEACH CANAL, so-called).

TOGETHER WITH Lands in Township 44 South, Range 40 East, Palm Beach County, Florida, as follows: That part of the North Half (N½) of the North Half (N½) of Section 25 lying northeasterly of the 600 foot wide SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE L-40 right-of-way.

TOGETHER WITH Lands in Township 44 South, Range 41 East, Palm Beach County, Florida, as follows: All of Sections 2 through 11, inclusive, 14 through 23, inclusive, 26 through 29, inclusive, 33, 34, and those parts of Sections 30, 31, and 32 lying northeasterly of the 600 foot wide SOUTH FLORIDA WATER MANAGEMENT DISTRICT LEVEE L-40 right-of-way; AND the Southwest Quarter (SW¼) of Section 12 less all that part thereof lying southerly of the southerly right-of-way line of FOREST HILL BOULEVARD as same is described in Official Record Book 2198 at pages 1200 and 1201, Public Records of Palm Beach County, Florida, and less all

that part of the East 40 feet thereof lying northerly and southerly of the said right-of-way of FOREST HILL BOULEVARD; AND all that part of the Southeast Quarter (SE¼) of said Section 12 bounded on the North by the South line and the westerly extension thereof of the North 80 feet of TRACTS 22, 23, and 24, BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 3, as same is recorded in Plat Book 2 at pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida, bounded on the East by the West line and the southerly extension thereof of the East 335.91 feet of TRACTS 22 and 27 of said BLOCK 18, bounded on the South by the southerly right-of-way line of FOREST HILL BOULEVARD as same is described in Official Record Book 2198 at pages 1200 and 1201, Public Records of Palm Beach County, Florida, and bounded on the West by the West line of the said Southeast Quarter (SE¼) of Section 12; AND all that part of the Southeast Quarter (SE¼) of said Section 12 lying within the right-of-way of FOREST HILL BOULEVARD as said right-of-way is described in Official Record Book 2198 at pages 1200 and 1201, Public Records of Palm Beach County, Florida, bounded on the East by the southerly extension of the East line of TRACTS 22 and 27 of BLOCK 18, PALM BEACH FARMS COMPANY PLAT NO. 3, as said plat is recorded in Plat Book 2 at pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida, and bounded on the West by the southerly extension of the West line of the East 335.91 feet of said TRACTS 22 and 27 of BLOCK 18; AND a parcel of land lying in the North Three Quarters (N¾) of Section 13 described thusly—beginning at the Northwest corner of said Section 13; (bearings cited herein are in a meridian assuming South 87-44-41 East along the North line of said Section 13), run South 87-44-41 East along the North line of said Section 13, a distance of 2643.75 feet to the North quarter corner of Section 13; thence continue South 87-44-41 East, a distance of 883.06 feet to a point of curvature; thence along the arc of a curve to the right having a radius of 5616.58 feet and a central angle of 6-53-57, a distance of 676.31 feet to the point of tangency; thence South 80-50-44 East, a distance of 249.96 feet to a point of curvature; thence along a curve to the left having a radius of 5842.58 feet, through a central angle of 5-32-46, a distance of 565.55 feet to the westerly right-of-way line of STATE ROAD NO. 7; thence South 00-21-56 East, a distance of 548.66 feet; thence South 01-58-01 West, along a line parallel with and 240 feet westerly from (as measured at right angles to) the East line of said Section 13, a distance of 363.28 feet; thence North 88-19-38 West, a distance of 28.46 feet; thence South 01-57-22 West, a distance of 208.71 feet; thence South 88-18-59 East, a distance of 199.16 feet to the westerly right-of-way line of STATE ROAD NO. 7; thence South 02-04-34 West, along the said westerly right-of-way line of STATE ROAD NO. 7, a distance of 2520.50 feet; thence North 88-05-25 West, along the South line of the North Half (N½) of the South Half (S½) of said Section 13, a distance of 5208.20 feet to the West line of said Section 13; thence North 01-52-58 East, a distance of 1360.79 feet to the West quarter corner of said Section 13; thence North 01-54-00 East, a distance of 2720.57 feet to the POINT OF BEGINNING. LESS AND EXCEPT right-of-way for LAKE WORTH DRAINAGE DISTRICT.

LEGAL DESCRIPTION:

A CERTAIN PARCEL OF LAND LYING IN SECTION 24, TOWNSHIP 44 COUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING A PORTION OF TRACTS 6, 7 AND 8, PALM BEACH FARMS COMPANY PLAT NO. 3, AS SAME IS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORID, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441 (STATE ROAD #7) AS SAME AS DEPICTED ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, SECTION 93210-2519 AND THE NORTH LINE OF WHITEHORSE ESTATES PLAT 2, AS SAME IS RECORDED IN PLAT BOOK 78, PAGE 92, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA THENCE FROM SAID POINT OF COMMENCEMENT, NORTH 01°53'57" EAST (THE NORTH LINE OF SAID WHITEHORSE ESTATES PLAT 2 IS ASSUMED TO BEAR SOUTH 88°52'02" WEST AND ALL OTHER BEARINGS MENTIONED HEREIN ARE RELATIVE THERETO) ALONG WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 6609 FEET TO THE POINT OF BEGINNING; THENCE, FROM SAID POINT OF BEGINNING, SOUTH 88°52'02" WEST ALONG A LINE 66.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES THERETO, FROM SAID NORTH LINE OF WHITEHORSE ESTATES PLAT 2, (SAID LINE ALSO BEING 86.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES THERETO, THE SOUTH LINE OF SAID TRACTS 6, 7 AND 8) A DISTANCE OF 1122.03 FEET; THENCE NORTH 01°07'58" WEST, A DISTANCE OF 415.00 FEET; THENCE SOUTH 88°05'50" EAST, A DISTANCE OF 1142.41 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF STATE ROAD #7; THENCE SOUTH 01°53'57" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 355.0 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.000 ACRES, MORE OR LESS.

Section 12. General provisions.

A. *Charter amendments.* This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, F.S. ch. 166, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

B. *Standards of conduct.* All elected officials and employees of the village shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the village council shall, no later than 6 months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the village which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law. The intent of this provision of the charter is to require more stringent standards than those provided under general law.

Section 13. Severability.

If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 14. Effective dates.

This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Village of Wellington as described in section 11, voting in a referendum election to be called by the Palm Beach County Commission and to be held on November 7, 1995, in accordance with the provisions of law relating to elections currently in force, except that:

A. Section 1, section 2, section 9.A. and this section shall take effect upon becoming a law.

B. If approved by the electorate, section 3, section 9.B. and section 9.C. shall take effect immediately upon certification of the election results by the Palm Beach County Supervisor of Elections.

C. The remainder of this act shall take effect March 28, 1996.

Became a law without the Governor's approval June 17, 1995.

Filed in Office Secretary of State June 16, 1995.